



# Western States Water

## Addressing Water Needs and Strategies for a Sustainable Future

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### **CONGRESS/WATER RESOURCES**

#### **Senate/Bureau of Reclamation**

On July 19, the Senate Energy and Natural Resources Subcommittee on Water and Power held an oversight hearing on the Bureau of Reclamation and to consider sixteen western water bills. Reclamation Commissioner Camille Touton provided written testimony on thirteen of these bills: (1) S. 461, to make certain irrigation districts eligible for Pick-Sloan Missouri Basin Program pumping power; (2) S. 482, Klamath Power and Facilities Agreement Support Act; (3) S. 739, to clarify jurisdiction with respect to certain Bureau of Reclamation pumped storage development; (4) S. 1215, Protect Our Waters and Expand Renewables on Our Reservoirs (POWER) Act; (5) S. 1662, Pilot Butte Power Plant Conveyance Act; (6) S. 2102, Water for Conservation and Farming Act; (7) S. 2160, Urban Canal Modernization Act; (8) S. 2161, Canal Conveyance Capacity Restoration Act; (9) S. 2162, Support To Rehydrate the Environment, Agriculture, and Municipalities (STREAM) Act; (10) S. 2166, Voluntary Agricultural Land Repurposing Act; (11) S. 2169, Watershed Results Act; (12) S. 2202, Restore Aging Infrastructure Now (RAIN) Act; and (13) S. 2247, Upper Colorado and San Juan River Basins Endangered Fish Recovery Programs Reauthorization Act.

The Department of the Interior (DOI) submitted written statements for the record on the other three bills: (1) S. 1955, to amend the Central Utah Project Completion Act to authorize expenditures for the conduct of certain water conservation measures in the Great Salt Lake basin; (2) S. 1521, to amend the Federal Power Act to modernize and improve the licensing of non-Federal hydropower projects; and (3) S. 1118, to establish the Open Access Evapotranspiration (OpenET) Data Program.

Touton provided an update on Reclamation's implementation of significant recent infrastructure funding through the Investment in Infrastructure and Jobs Act (IIJA) and the Inflation Reduction Act (IRA). Within the rural water program they have announced \$700M to accelerate construction of water treatment plants and intakes, including the Northwest Area Water

Supply (NAWS) project in North Dakota. With \$824M to spend toward aging infrastructure, they have begun rehabilitation activities for more than 129 projects, including canal lining projects in Idaho and Nevada. Under the WaterSMART program they have selected 208 projects for more than \$554M in federal funding. They have announced \$210M for water storage and conveyance structures, and \$100M for dam safety projects.

Federal Energy Regulatory Commission (FERC) Chairman Willie Phillips submitted written testimony for the record in support of S. 1521, with some recommended modifications regarding tribal authority to impose licensing conditions, and to clarify jurisdiction over dam safety for existing nonpowered dams once new hydropower facilities are added. He also expressed concerns with the proposed timelines for more efficient permitting and various rulemakings.

#### **Tribes/Infrastructure**

On July 19, Senators Michael Bennet (D-CO), Martin Heinrich (D-NM) and John Hickenlooper (D-CO) reintroduced the Tribal Access to Clean Water Act. The bill would authorize funding for the Indian Health Service (IHS), U.S. Department of Agriculture (USDA) Rural Development, and Bureau of Reclamation to address the need for access to clean water on tribal lands. It is intended to build on the funding provided through the IIJA. The bill includes: (1) \$150M for IHS training, and technical and financial assistance to plan and design projects for tribal sanitation facilities and services; (2) \$500M for ongoing sanitation facility operation and maintenance; (3) \$500M for USDA rural grants and loans to tribal communities; and (4) \$90M for Reclamation's Native American Affairs Technical Assistance Program. Representative Joe Neguse (D-CO) introduced a companion bill in the House.

Heinrich said: "Nearly a third of Native American households do not have access to clean and reliable water supplies. That is shameful and unacceptable. We delivered historic federal investments to make real progress in connecting more Tribal communities to water and wastewater infrastructure. But we must do more.

This legislation will address the significant backlog of infrastructure projects that is standing in the way of delivering clean drinking water to Tribal communities.”

John Echohawk, Executive Director, Native American Rights Fund (NARF) said: “For far too long, many American Indians and Alaska Natives have gone without a basic ingredient of life – access to a clean and safe drinking water supply. These are not isolated or regional deficiencies, but rather a nationwide disparity in the fundamental basic services available to Native Americans. This bill will help to address gaps in current support for Tribal drinking water access and help to fulfill the Federal government’s trust responsibility to Native American Tribes.”

## **WATER RESOURCES**

### **Colorado River**

On July 3, the Colorado Basin River Forecast Center projected that the median unregulated inflow volume for the system in water year 2023 will be 14 million acre-feet (maf), 146% of average. The Bureau of Reclamation’s Upper Colorado River website noted that the elevation of Lake Powell at the end of June was 3,583.47 feet, and the storage was 9.57 maf, 41% of live capacity. “The annual release volume from Lake Powell during water year 2023 will be 9.04 maf under the Lower Elevation Balancing Tier and will balance the contents between Powell and Mead....”

Reclamation’s July update said: “At the beginning of water year 2023, total system storage in the Colorado River Basin was 19.54 maf (33% of 58.48 maf total system capacity). This is a decrease of 3.33 maf over the total storage at the beginning of water year 2022 when total system storage was 22.87 maf (39% of capacity). Since the beginning of water year 2000, total Colorado Basin storage has experienced year to year increases and decreases in response to wet and dry hydrology, ranging from a high of 94% of capacity at the beginning of 2000 to the now current level of 33% of capacity at the beginning of water year 2023. Based on current inflow forecasts, the current projected end of water year 2023 total Colorado Basin reservoir storage is approximately 25.47 maf (44% of total system capacity). The actual end of water year 2023 system storage may vary from this projection, primarily due to uncertainty regarding this season’s runoff and reservoir inflow.” <https://www.usbr.gov/uc/water/crsp/cs/qcd.html>

### **Drought/Water Supply Outlook**

On July 18, the National Drought Mitigation Center reported a highly variable precipitation pattern across the contiguous states for the past week. Over 3 inches of rain fell on broad areas across the Northeast, Southeast,

lower and middle Mississippi Valley, the Upper Midwest, the southern Great Lakes Region, and the central Great Plains. In contrast, very little precipitation fell from the Rockies westward to the Pacific Coast, the Dakotas, Oklahoma, western Kansas, and most of Texas.

According to the U.S. Drought Monitor, much of the West has seen relief from drought conditions, though some areas remain dry or subject to moderate drought conditions. Some severe drought conditions afflict Oregon, Washington, northern Idaho, and northeastern Montana. Parts of eastern Nebraska, much of Kansas and southcentral Texas are experiencing extreme to exceptional drought conditions. As of July 5, the Secretary of Agriculture had designated 669 counties in drought in 20 states, including: nearly all of California, Nebraska, Nevada, Oklahoma, Oregon, Kansas, and Utah; most of Colorado, New Mexico, and Texas; much of Hawaii and Idaho; and parts of western Montana and southeastern South Dakota.

On July 21, the USDA noted that a “ferocious heat wave continues in the Desert Southwest, where Phoenix, Arizona, is expecting a record shattering 22nd consecutive day with a maximum temperature of 110°F or higher. Hot, dry weather extends across the remainder of the region, excluding the central Rockies. Across the interior Northwest, temperatures locally above 100°F are promoting harvesting of winter wheat and maturation of summer crops, including barley and spring wheat. On the Plains, overnight thunderstorms produced heavy rain, high winds, and local flooding in parts of Colorado, Kansas, and northern Oklahoma. Dry weather covers the remainder of the region. Blazing heat persists in much of Texas, while temperatures are rising to above-normal levels across the northern Plains. The increasingly hot, mostly dry weather on the northern Plains favors winter wheat harvesting and is hastening the maturation of spring-sown small grains.”

## **MEETINGS**

### **WSWC-NARF Symposium**

The WSWC and Native American Rights Fund (NARF) are cosponsoring their 18th Biennial Symposium on the Settlement of Indian Reserved Water Rights Claims on August 8-9, 2023. The symposium will be held virtually. A number of topics will be addressed by experts and participants regarding completed and ongoing negotiated settlements. While the symposium is being held virtually, you must register in advance and pay the registration fee to join the meeting. For further information, including the draft agenda and how to register, please see: <https://westernstateswater.org/events/wswc-narf-18th-biennial-indian-reserved-water-rights-symposium/>.

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**The WESTERN STATES WATER COUNCIL is a government entity of representatives appointed by the Governors of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.**